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TAGS: [KTIP](#) [HSTC](#) [PGOV](#) [PREL](#) [AM](#)
SUBJECT: JUDGES CONTINUE TO DEMONIZE TIP VICTIMS AND
OVERTURN TRAFFICKING CONVICTIONS

Classified By: Amb. John M. Evans for reasons 1.4 (b, d).

SUMMARY

[11](#). (SBU) Armenian courts continue to stigmatize trafficking victims and hinder the efforts of law-enforcement bodies to punish traffickers. On March 2 the Court of Appeals downgraded a trafficking conviction into pimping and reduced the key defendant's sentence. Hope and Help NGO, which provided assistance to four trafficking victims in March, complained that their lawyer did not have access to the investigation of the criminal cases and was not allowed to represent the interests of the victims. End Summary.

JUDGE MISTREATED VICTIMS

[12](#). (C) On March 2 the Court of Appeals downgraded a trafficking conviction to pimping and reduced the sentence of the key defendant. According to the prosecutor defending the original conviction (and member of the Prosecutor General's Anti-Trafficking Unit) Armen Boshnaghyan and a journalist from the Association of Investigative Journalists, Varduhi Zakaryan, who monitored the trial, Judge Mher Arghamanyan mocked the victims openly from the bench. Arghamanyan insisted that the victims had chosen to engage in prostitution and deserved to be stigmatized. Boshnaghyan, who told us he was extremely frustrated by the judge's behavior and the new verdict, has announced his decision to appeal the case to the Court of Cassation in an effort to get the original sentence reinstated.

[13](#). (SBU) The Prosecutor's office started this criminal case in the summer of 2005, charging four defendants for transferring two victims through Moscow to Dubai and forcing them into prostitution under the notorious pimp Anahit Malkhasyan (who died in a car accident in September 2005). In November 2005, the first instance court of Armavir region sentenced the group to various terms of imprisonment on charges of trafficking, resulting in sentences of two years each for defendants Simon Nersisyan, Tamara Makarova, and Patvakan Malkhasyan, and a sentence of five years and four months for Nanasil Arakelyan. Prosecutor Boshnaghyan appealed the sentences on the grounds that they were too light. The Court of Appeals, in its ruling of March 2, downgraded the trafficking convictions to pimping convictions and reduced Nanasil Arakelyan's sentence to three years and ten months.

HOPE AND HELP WORRIED ABOUT VICTIMS' RIGHTS

14. (C) Hope and Help assisted four trafficking victims in March. The relatives of two of these victims (who were in Dubai), called Hope and Help's trafficking hotline, and the NGO worked with the MFA to repatriate them; currently these two victims are at their homes and Hope and Help is providing them with legal and medical assistance. The Prosecutor's Office referred an additional two victims, who had been trafficked to Turkey and had managed to escape from their pimp. The traffickers for this case were caught and the Prosecutor's office has finished the investigation and sent the case to the court in Hrazdan (victims' native town). Yenok Shatvoryan, Hope and Help president, told us he was concerned about the quality of the investigation which lasted only a few days. According to Shatvoryan, despite his efforts he could not have his lawyer represent the rights of the victims throughout the investigation (due to its brevity) and claimed that the Prosecutor's investigator (Aristakes Yeremyan, the subject of earlier allegations of misconduct) had somehow "convinced" the victims to sign away their rights to claim compensation from the traffickers.

COMMENT: TRAFFICKING CASES RISING, JUDGES STILL A PROBLEM

15. (C) While the number of trafficking cases has increased significantly over the past year, the conduct of the trials and the attitude of judges towards victims raises serious concerns. There is still room for considerable improvement, and the number of trafficking convictions downgraded by judges on appeal is a serious problem. The Ministry of Justice, responsible for judges' training and appointments, has not yet adequately addressed this issue.

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